

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

CV 16-770 MV/WPL
CR 08-2647 MV

DAVID P. ONTIVEROS,

Defendant/Movant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

This matter is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition (PFRD), filed August 9, 2016. (CV Doc. 8; CR Doc. 113.) The parties were notified that objections were due within fourteen days of service of the PFRD and that if no objections were filed, no appellate review would be allowed. To this date, no objections have been filed.

IT IS THEREFORE ORDERED that:

- 1) the PFRD is adopted as an order of the Court;
- 2) the Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence is granted; and
- 3) the Court will file an Amended Judgment reflecting a time-served sentence, which will be forwarded to the Bureau of Prisons immediately to process the release of the defendant..


UNITED STATES DISTRICT JUDGE